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In re Application of
Etsuo Oshima, et al
Serial No. 07/020,900
Filed: March 2, 1987
Attorney Docket No. 5.1022

DEPUTY ASST. COMM.
ON PETITION

This is a decision on the petition, filed September 13, 1991, which is treated as a petition to accept an untimely filing of a request for withdrawal of the holding of abandonment.

This is also a decision on the request to withdraw the holding of abandonment.

The petition is granted.

The request to withdraw the holding of abandonment is granted.

The record clearly establishes that the November 19, 1990 Notice of Abandonment was sent in error since the April 17, 1990 Office action required no response. However, since the request to withdraw the holding of abandonment was not filed within two months of that notice (see 37 CFR 1.181(f)), it could be considered untimely. Accordingly, the petition under 37 CFR 1.137(a) is treated as a petition to accept an untimely filing of the request for withdrawal of the holding of abandonment.

The application file is being forwarded to Group 120 for action on claims 1-10 and 13-19 in view of applicant's disclaimer of the subject matter proposed in the April 17, 1990 Office action.

Jeffrey V. Nase
Supervisory Petitions Examiner
Office of the Assistant Commissioner
for Patents